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09/616,221

07/14/2000

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EXAMINER

LEVITAN, DMITRY

ART UNIT

PAPER NUMBER

2461

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/616,221 | Applicant(s) KOODLI ET AL. | |
| | Examiner Dmitry H. Levitan | Art Unit 2461 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Preliminary amendment, filed 7/14/08, has been entered. Claims 1-9 remain pending.

Drawings

1. The inadvertently omitted Fig. 7 was received on 7/14/08. Fig. 7 drawings are approved.
2. The drawings are objected to because they miss references, cited in corresponding portions of the disclosure, like CoA 216 and CN 202 of page 8 are missing on Fig. 2.

All drawings should be reviewed for errors, as the problem with Fig. 2, indicated above, is only an example of multiple conflicts between the text and drawings.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. Claims 1- 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4 and 7 limitations, directed to “an acknowledgement message from the first network to the mobile node” are unclear, because it is not understood if the acknowledgement is generated in response to the mobile node request or some other messages.

Therefore, limitations of the claims, directed to "acknowledgement", without indicating which message is being acknowledged, are unclear.

Claims 3, 6 and 9 limitations, directed to “a next router” and “previous router”, are unclear, because meaning of “previous router” and “next router” are not understood in the context of the claims, as they indicate some step/action which has been omitted from the claims.

Therefore, claims 3, 6 and 9 are rejected as incomplete claims, lacking limitations to identify which routers are considered “next” or “previous” and which are not.

Other claims are rejected as the claims depending on the claims rejected above.

Claim Rejections - 35 USC § 102

5. Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by La Porta (US 6,654,359).

6. La Porta teaches a method, a system and a computer program for providing efficient state transfer (transferring mobile device 114 from the state of connection to base station BS9 to the

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state of connection to the base station BS10, as shown on Fig. 13 and 14, described on 20:30-24:30), comprising:

establishing a connection between a mobile node and a first network element, wherein the mobile node has an associated reference state that is updated in response to state changes sent by the mobile node (establishing a connection between the mobile device 114 and corresponding base station BS9, wherein the mobile device has a base station reference state, which is updated as the mobile device moves, as shown on Fig. 2, as the mobile device is getting attached to one of the base stations, as described on 7:60-8:64);

establishing a connection between the first network element and a second network element in response to a request from the mobile node (establishing a connection 456, as a result of the mobile station movement, shown on Fig. 14 and described on 24:12-29);

forwarding messages from the first network element to the mobile node via the second network element (routing messages from BS9 to the mobile device MD 114 through BS10, shown as connection 456 on Fig. 14 and described on 24:12-29);

sending an acknowledgment message from the first network element to the mobile node, wherein the acknowledgment message includes the updated reference state (sending an acknowledgement 456 from BS9 to the mobile device, as the acknowledgement comprises new routing table entries, corresponding to the mobile device new state of connecting to BS10, as described on 22:1-25); and

establishing a connection between the mobile node and the second network element, in accordance with the updated reference state (establishing a connection between the mobile device and BS10 in accordance with the new routing table, as described on 22:25-40).

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In addition, regarding claims 4 and 7, La Porta teaches processor means capable of executing software, disclosed on 38:7-27 to implement his method, as described above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry H. Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmitry H. Levitan
Primary Examiner
Art Unit 2461

/Dmitry H. Levitan/
Primary Examiner, Art Unit 2461